

# Appeal Decision

Site visit made on 18 July 2017

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24<sup>th</sup> July 2017**

---

**Appeal Ref: APP/G5180/D/17/3175518**

**14 Kechill Gardens, Bromley BR2 7NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Guy Pleasance against the decision of the London Borough of Bromley Council.
  - The application Ref DC/17/00472/FULL1, dated 1 February 2017, was refused by notice dated 18 April 2017.
  - The development proposed is for a single storey rear extension.
- 

## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 12 Kechill Gardens, with specific reference to outlook.

## Reasons

3. The proposal relates to a semi-detached house situated within a residential estate. On my site visit I had the opportunity to view the appeal site from 12 Kechill Gardens. Both no12 and the appeal dwelling are on higher ground than their respective lawns, with the former having a raised patio terrace with steps down into the garden intervening. No14 does not currently have such a feature and there is currently a quite significant drop from its rear entrance doors into the garden.
4. I note from the plans before me that the extension would meet the rear elevation just below the cills of the first floor windows, and at 4.9m deep along the shared boundary, the proposal would be of quite a significant depth which I note is greater than that previously approved. By virtue of its height and depth, I consider that the proposal would give rise to a serious erosion of the outlook from the French doors serving the dining room of no12. Whilst in itself it would appear relatively subordinate to the host dwelling, and notwithstanding the use of a pitched roof to all elevations, I consider that the proposal would be harmful to the living conditions of the occupants of the neighbouring property.
5. The rear elevation of the appeal dwelling faces almost precisely south; the construction of the extension would be higher than the current intervening boundary fence, and would give rise to a greater degree of overshadowing of the neighbouring house, particularly within early morning hours. Nonetheless,

as demonstrated by the appellant, by virtue of the tracking of the sun, any potential overshadowing would disappear as a typical day reaches noon. Further, I note that the Council's decision notice does not make reference to a loss of sunlight or daylight and the submitted Planning Officer's report does not substantiate what harm would ensue in this respect. On balance, therefore, I consider that the proposal would not give rise to a significant level of overshadowing of no12, notwithstanding my concerns with regard to the erosion of outlook therefrom.

6. I am aware that the appellant has stipulated that they propose to lower all walls by four brick courses, approximately 300mm and thereby reducing the eaves height to 2.15m. Whilst I accept that this would make the wall along the boundary less visible to the occupants of the neighbouring property, I have not been provided with amended plans and, therefore, I can only deal with the proposal that is before me. I have also been made aware of the extensions to 126 Kechill Gardens, however each case must be assessed on its own merits.
7. I therefore conclude that the proposal would have a harmful effect upon the living conditions of the occupants of 12 Kechill Gardens, in terms of a material loss of outlook, contrary to Policies BE1 and H8 of the London Borough of Bromley Unitary Development Plan July 2006 which, amongst other things, require development proposals, including extensions to existing buildings, to respect the amenity of occupiers of neighbouring buildings and to be compatible with development in the surrounding area.

### **Conclusion**

8. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR